



ANNO TERTIO

ELIZABETHAE II REGINAE

A.D. 1954

No. 45 of 1954

An Act to amend the Public Service Act,
1936-1953.

[Assented to 16th December, 1954.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Public Service Act Amendment Act, 1954". Short titles.
- (2) The Public Service Act, 1936-1953, as amended by this Act, may be cited as the "Public Service Act, 1936-1954".
- (3) The Public Service Act, 1936-1953, is hereinafter referred to as "the principal Act".
2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.
3. Section 8 of the principal Act is amended by adding after the word "under" in the second line of subsection (2) the words "subsection (4) of section 29 or". Amendment of s. 8 of principal Act—Appointment of member for hearing appeals.
4. Section 57 of the principal Act is amended— Amendment of s. 57 of principal Act—Retirement.
 - (a) by inserting at the end of subsection (2) thereof the words "and the persons who are exempt from subsection (1) pursuant to subsection (4) of this section" :

(b) by adding at the end thereof the following subsections :—

(4) Except as mentioned in subsection (5) of this section :—

(a) a person holding or purporting to hold office as a member of a statutory body at the time of the passing of the Public Service Act Amendment Act, 1954, shall not be required, or be deemed to have at any time been required, to retire pursuant to subsection (1) of this section :

(b) a person appointed as a member of a statutory body after the passing of the Public Service Act Amendment Act, 1954, shall not be required to retire pursuant to subsection (1) of this section.

(5) The following members only of statutory bodies shall be required to retire pursuant to subsection (1) of this section—

(a) A member of The Public Service Board or a member of a statutory body whose office on such body is required by law to be held by an officer of the public service :

(b) A member holding an office which is declared by proclamation under subsection (6) of this section to be an office the holder of which is subject to subsection (1) of this section.

(6) The Governor may by proclamation specify offices on statutory bodies the holders of which shall be subject to subsection (1) of this section and may from time to time, by proclamation, revoke or vary any proclamation specifying such offices.

(7) Where a person holds an office to which a proclamation under subsection (6) of this section applies and is at the date of the proclamation over the age for retirement fixed by subsection (1) of this section, he shall retire from such office upon the expiration of two months after the date of the proclamation.

(8) An Act or proceeding of a statutory body, done or taken before the passing of the Public Service Act Amendment Act, 1954, shall not be invalid on the ground that any member of that body had not retired under subsection (1) of this section, or was at the time of his appointment to the statutory body over the age for retirement fixed by subsection (1) of this section, but shall be as valid as if such member had not been subject to any retiring age.

(9) In this section "statutory body" includes any board, council, committee, commission, or other like body created or established by or pursuant to any Act of the State; and "member" means a person appointed by the Governor or a Minister as the chairman or a commissioner, councillor, committeeman, trustee or other member of a statutory body.

5. Section 75 of the principal Act is amended by inserting after section 6b thereof the following subsection:—

Amendment of
s. 75 of
principal Act—
Long leave of
absence.

(6c) Where the service of an officer is terminated otherwise than by resignation, or dismissal for misconduct or mental or physical incapacity, and the officer is within two years after such termination re-employed in the public service, his service shall be deemed to be continuous notwithstanding the termination thereof, but the period between such termination and the re-employment of the officer shall not be counted as service.

This subsection applies in relation to all long service leave granted after the passing of the Public Service Act Amendment Act, 1954, notwithstanding that the termination, the re-employment, or the service in respect of which the leave is granted, or any of them, may have taken place before the enactment of this subsection.

6. Section 76a of the principal Act is amended—

Amendment of
s. 76a of princi-
pal Act—

(a) by striking out the words "who has attained the retiring age" in the first and second lines of subsection (1);

Payment for
leave not
taken.

(b) by adding after the word "retires" in the second line of subsection (1) the words "or resigns";

(c) by adding after the word "retirement" at the end of subsection (1) the words "or resignation";

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- (d) by striking out the definition of " the retiring age " in subsection (2) thereof ;
- (e) by adding after the word "retirement" (twice occurring) in subsection (3) the words "or resignation" .

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

R. A. GEORGE, Governor.